

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

COURTNEY FONTENOT, ET AL

CIVIL ACTION: 6:17-CV-01639

VERSUS

JUDGE: TERRY A. DOUGHTY

HOLDEN PAUL LAFLEUR, ET AL

MAGISTRATE: PATRICK J. HANNA

RULE 26(f) JOINT REPORT

COMES NOW, COURTNEY FONTENOT, ET AL, and HOLDEN PAUL LAFLEUR, ET AL, who, in accordance with the Court's Scheduling Order, submits the following Rule 26(f) Report and with respect provides the following information:

1. PLANNING CONFERENCE:

The following persons participated in a Rule 26(f) conference on July 6, August 7, 9, and 27th by telephone and electronic mail: Counsel and respective offices of, Joe Long, Esq., and Carmen T. Hebert, Esq., *Attorneys for the Plaintiffs*; and Jonathan C. Vidrine, Esq., *Attorney for the Defendants*.

2. INITIAL DISCLOSURES:

The Parties have exchanged initial disclosures.

3. DISCOVERY PLAN:

The parties propose the following Discovery Plan:

- a) Discovery will be needed on these subjects: liability and damages. The parties do not anticipate that a specialized discovery plan is needed.

- b) Disclosure or Discovery of electronically stored information should be handled as follows: It is not anticipated that special issues surrounding ESI will be presented.
- c) The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows: Not applicable.
- d) The parties propose the following dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery [as indicated]: The parties agree to the court's cutoff date of January 7, 2019.
- e) The parties propose the following maximum number of interrogatories, by each party to another, along with the dates(s) answers are due. The parties agree to a maximum number of thirty (30) interrogatories by each party.

Plaintiffs: Propose responses be due within 30 days, consistent with FRCP Rule 33(b)(2).

Defendants: propose responses be due within 45 days.

- f) The parties propose the following maximum number of requests for admission, by each party to another, along with the dates(s) responses are due. The parties agree to a maximum number of fifteen (15) requests for admissions by each party.

Plaintiffs: Propose responses be due within 30 days, consistent with FRCP Rule 36(a)(3).

Defendants: Propose responses be due within 60 days.

- g) The parties propose the following maximum number of depositions, to be taken by each party, along with the date all depositions are to be completed by.

Plaintiffs do not anticipate a needed deviation from the ten depositions allowed to be taken by each side without leave of court pursuant to RFCP Rule 30(a)(2)(A)(i), and agree to the court's proposed discovery deadline of January 7, 2019 to complete all discovery depositions and expert depositions.

Defendants submit that no specific number is required, and that depositions are taken by 90 days before trial date

- h) The parties propose the following limit(s) on the length of depositions, in hours:

Plaintiffs: Pursuant to the FRCP Rule 30(d)(1), Plaintiffs propose that depositions not to exceed one day/seven hours.

Defendants: Propose 2 hours.

i) The parties propose the following date(s) for exchanging reports of expert witnesses: The parties agree to the court's proposed date of 11/7/2018 as to Plaintiffs and 12/7/2018 as to Defendants.

j) The parties propose the following date(s) for supplementations under Rule 26(e):

Plaintiffs: Propose that supplementations be made at the earliest reasonable time after the duty to supplement is triggered, but no longer than thirty days from the trigger date.

Defendants: Propose that the parties have thirty days to supplement or to defer to the court's standard order.

4. OTHER ITEMS:

a) A date if the parties ask to meet with the court before a scheduling order: A Scheduling Order was issued by the Court on 6/11/2018.

b) Requested dates for pretrial conference (PTC): The PTC is scheduled on 6/5/2019 at 10:00 am.

c) Final dates for the Plaintiffs' to amend pleadings or join parties: By 12/7/2018 in accordance with Fed. R. Civ. P. Rules (14) and (15).

d) Final dates for the Defendants' to amend pleadings or join parties: By 12/7/2018 in accordance with Fed. R. Civ. P. Rules (14) and (15).

e) Final dates to file dispositive motions: By 2/5/2019 as to *Daubert* and other dispositive motions; by 5/6/2019 as to Motions in Limine (any responses to all said motions must be filed within (7) days.

f) State the prospects for settlement: Affirmations of Settlement Discussions must be filed by 5/29/2019, or (7) days prior to the PTC.

Plaintiffs: Amenable to settlement discussions and/or mediation.

Defendants: Defendant is uninsured; settlement would be difficult.

g) Identify any alternative dispute resolution (ADR) procedure that may enhance settlement prospects: The parties agree to mediation with a Magistrate at an appropriate time, no later than 5/29/2019.

h) Final dates for submitting Rule 26(a)(3): a Joint Pretrial Order (and all required attachments as outlined in USMJ Judge Patrick J. Hanna's uniform pretrial order requirements) shall be filed by 5/22/2019, or (14) days prior to the PTC, and shall include:

- witness lists;
- designations of witnesses;
- whose testimony will be presented by depositions; and
- exhibit lists.

i) Final dates to file objections under Rule 26(a)(3): By 5/22/2019, or (14) days prior to the PTC.

j) Suggested trial date and estimate length of trial: Jury Trial has been scheduled to commence in Lafayette, LA on 7/15/2019 at 9:30a.m. through 7/19/ 2019 at 5:00p.m. Five days (5) have been reserved on the Court's Docket for this matter.

k) Other matters for the court to address [if any]: Motion to Withdraw as Counsel for Plaintiffs of Joseph J. Long and Carmen T. Hebert will be filed on the same date as this Joint Report.

Respectfully Submitted by:

/s/ Carmen T. Hebert

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